IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF WEST VIRGINI **HUNTINGTON DIVISION** NTERED DONALD BARCUS and LOIS BARCUS, JUL - 3 2008 husband and wife; ALBERT MITCHEM and CATHY MITCHEM, husband and wife; DANNIE OSBORNE and BENONA OSBORNE, TERESA L. DEPPNER, CLERK husband and wife; WILLIAM THOMAS and **U.S. District Court** Southern District of West Virginia KAREN THOMAS, husband and wife; VIRGIL WADE and WILMA WADE, husband and wife, Plaintiffs, Civil Action No. 3:08-CV-0344 VS. LINDE, INC., f/k/a THE BOC GROUP, INC., f/k/a AIRCO, INC., a Delaware Corporation; THE ESAB GROUP, INC., a Delaware Corporation, individually and as successor in interest to Alloy Rods, Inc. and Chemetron Corporation; HOBART BROTHERS COMPANY, an Ohio Corporation; THE LINCOLN ELECTRIC COMPANY, an Ohio Corporation; BECKLEY WELDING SUPPLY, INC., a West Virginia Corporation; MABSCOTT SUPPLY COMPANY, a West Virginia Corporation; TRI-STATE OXYGEN OF WEST VIRGINIA, INC., a West Virginia Corporation; VALLEY NATIONAL GASES, INC., a West Virginia Corporation; WILLARD C. STARCHER, INC., a West Virginia Corporation; JOHN DOE ONE through JOHN DOE TEN.

CONSENT ORDER

Defendants.

This matter having come before the Court and having been advised that all parties are in agreement, and being otherwise advised, finds as follows:

The parties involved in the above-referenced case agree that Defendants 1. Motion to Stay All Proceedings Pending Transfer by the Judicial Panel on Multidistrict Litigation, Case No. 3:08-cv-00344, filed on May 23, 2008 in the United States District Court for the Southern District of West Virginia, should be granted.

The parties further agree that this case should be transferred to the 2. Welding Fume Products Liability Multidistrict Litigation by the MDL Panel.

3. The parties further agree that the Plaintiffs' Motion to Remand is appropriately heard and decided in the Welding Fume Products Liability Litigation; provided however, that as set forth in their Motion to Remand, Plaintiffs maintain that the removal was improper and that the case should be remanded to the Circuit Court of Wayne County, West Virginia.

IT IS HEREBY ORDERED AND ADJUDGED that this matter is stayed pending transfer of the case to the Welding Fume Products Liability Multidistrict Litigation by the MDL Panel.

SO ORDERED this the ______ day of July, 2008.

The Honorable Robert Chambers

AGREED AND APPROVED BY:

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